

DANIELLE LEE SMITH  
HOLCOMBE vs USA

August 14, 2020

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J5919512 eb

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

JOE HOLCOMBE, ET AL

VS.

UNITED STATES OF AMERICA

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CIVIL ACTION  
NO.: 5:18-CV-00555-XR

VIDEOCONFERENCE ORAL & VIDEOTAPED DEPOSITION OF  
DANIELLE LEE SMITH  
(FORMERLY KNOWN AS DANIELLE LEE KELLEY)

(Reported Remotely pursuant to the Emergency  
Order Regarding the COVID-19 State of Disaster)

Date

Edith A. Boggs, CSR

8-14-2020

HOUSTON, TEXAS

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1 Q. Do you speak to any of the plaintiffs in  
2 general, not pertaining to this action?

3 A. No. I try to keep to myself.

4 Q. Have any of the plaintiffs in this action asked  
5 you for any favors or any documents?

6 A. No.

7 Q. Do you currently attend the First Baptist  
8 Church?

9 A. No.

10 Q. Does your mother, Michelle Shields, still  
11 attend the First Baptist Church of Sutherland Springs?

12 A. Yes.

13 Q. Do you know -- would you consider her an active  
14 member of the church?

15 A. Yes.

16 Q. How would you define active?

17 A. I mean, she's a board member.

18 Q. Does she attend services most Sundays?

19 A. Almost every Sunday.

20 Q. Other than the meeting that we previously  
21 discussed where you met with four attorneys for the  
22 plaintiffs and, as a result, you provided a statement,  
23 have you met with any other attorney -- plaintiffs'  
24 attorneys in this case?

25 A. No.

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1 divorced when you were around 10, 11, 12, as you said,  
2 and can you give a sense of how old you were when  
3 Michelle Brassfield remarried?

4 A. It was my teenage years.

5 Q. Donald -- Donald Brassfield was eventually  
6 criminally prosecuted for sexually assaulting children;  
7 is that correct?

8 A. Correct.

9 Q. Were you one of the victims in that  
10 prosecution?

11 A. Yes.

12 Q. You were a named victim in the prosecution?

13 A. Yes.

14 Q. You testified in the -- at the trial?

15 A. Yes.

16 Q. When did the trial occur?

17 A. 2019.

18 Q. We talked a little bit about your -- your  
19 participation at the First Baptist Church as a  
20 volunteer. Can I ask, to the best of your recollection,  
21 when did you start going to services at the First  
22 Baptist Church?

23 A. I don't -- I don't remember. It was since I  
24 was young, really, really young, like I -- I grew up at  
25 the church.

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1 Q. And you went with -- with Michelle Brassfield  
2 at the time?

3 A. Yes, and my grandmother, Lula White.

4 Q. Would Donald Brassfield attend?

5 A. No.

6 Q. Did he ever attend, as far as you remember?

7 A. No, he never attended.

8 Q. Did you have a lot of friends at the church  
9 while you were growing up?

10 A. Not a lot.

11 Q. Did you have some?

12 A. I didn't have -- I didn't talk to a lot of  
13 people.

14 Q. Did you enjoy going to the church?

15 A. At times, I did.

16 Q. What did you enjoy about it?

17 A. I just liked going. I liked -- at the times I  
18 was going when I wasn't going through a lot, I just  
19 enjoyed the atmosphere and the friendliness.

20 Q. You found the people there to be friendly?

21 A. Yes.

22 Q. When did you first meet Devin?

23 A. Around when I was 12, 13 years old.

24 Q. This was around 2008?

25 A. I believe so.

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1 A. Yes.

2 Q. When did you stop being a member of the First  
3 Baptist Church of Sutherland Springs?

4 A. I don't -- I don't remember.

5 Q. Before the shooting?

6 A. It was way long before the shooting.

7 Q. How many years before the shooting?

8 A. Yeah, I don't know. I guess just take whenever  
9 I was 18.

10 Q. So, you basically stopped being a member of the  
11 First Baptist Church at age 18, correct?

12 A. Yes.

13 Q. So, I believe you had previously talked about  
14 the divorce, and then you said it within the context of  
15 26 people being killed and -- and many more injured.  
16 Did I hear that correctly?

17 A. Yes.

18 Q. Do you believe that your request for a divorce  
19 had any bearing on the mass shooting?

20 A. Yes.

21 Q. How so?

22 A. I feel like he was punishing me because I  
23 didn't want to be with him.

24 Q. He was punishing you by committing a mass  
25 shooting at a church that you stopped going to at age

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1 18?

2 A. Because I grew up in that church. My family  
3 went to that church.

4 Q. You weren't -- you weren't in the --

5 A. He killed the babies -- he killed the babies I  
6 helped raise.

7 Q. You weren't a member of that church --

8 A. I watched -- because I wasn't a member of that  
9 church doesn't mean anything. Those Hill babies, I was  
10 there when their dad died. I wiped those babies' tears  
11 when they were crying because their dad died, and he  
12 took those babies from here. He punished me because I  
13 didn't want to be with him.

14 Q. You had asked for a -- for a divorce several  
15 times before that incident; isn't that correct?

16 MR. HOROWITZ: Objection, asked and  
17 answered.

18 Q. (BY MR. STERN) Correct?

19 A. Correct.

20 Q. And have you given this as a basis for why you  
21 believe he committed the mass shooting previously?

22 A. Are you saying -- I mean, can you rephrase  
23 that? I'm sorry.

24 Q. You were interviewed by the Department of  
25 Defense Inspector Generals, correct?

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1 A. Yes.

2 Q. Because your main concern were those two  
3 children you had, correct?

4 A. Yes.

5 Q. And were --

6 MR. STERN: Objection.

7 MR. WEBSTER: What's the objection?

8 MR. STERN: Leading.

9 Q. (BY MR. WEBSTER) Okay. Let me ask you this:  
10 Can you explain to the judge what changed with respect  
11 to your daughter and the physical abuse you were taking  
12 and why you decided to demand a divorce?

13 A. I didn't want my daughter to think that it was  
14 okay to be abused by a man.

15 Q. And so, you -- were you -- how would you  
16 characterize -- were you serious that day when you told  
17 him you were moving out?

18 A. Yes.

19 Q. And -- and what was the plan that y'all -- that  
20 you devised to leave that day?

21 A. I told him I wanted a divorce, that Monday we  
22 were going to go down and file a divorce and we were  
23 going to meet my mother, Michelle Shields, halfway and  
24 he was going to let me go, with the kids.

25 Q. And this had been a man that had controlled you

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1 Q. Can you explain to the judge why Devin Kelley  
2 did not like used guns -- used guns?

3 A. He wanted --

4 MR. STERN: Objection, calls for  
5 speculation.

6 A. He wanted them to be brand new because he likes  
7 new guns.

8 Q. (BY MR. WEBSTER) And why did he like new guns?

9 A. He wanted them to be able to work properly.

10 Q. Was he afraid that some of the -- did the older  
11 guns that he had -- that he had swapped for the dog and  
12 the shotgun didn't work correctly, in your -- from what  
13 you understood, correct?

14 A. I guess he did not want them to malfunction.

15 Q. Okay. And so, all the guns that he ever looked  
16 at, at least window shopping with you, all of those guns  
17 were all new, was the only thing he would look at,  
18 right?

19 A. Yes.

20 MR. STERN: Objection. She previously  
21 testified that she was not -- she was not paying  
22 attention when he was looking at firearms.

23 Q. (BY MR. WEBSTER) Let me ask it a different  
24 way.

25 When he would look at firearms and would



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1 face before he left?

2 A. Yes.

3 Q. And then you were stuck there on the bed and  
4 couldn't leave or get up, correct?

5 A. Correct.

6 Q. And you were unable to try -- did you try to  
7 untie yourself?

8 A. I couldn't. I was hog-tied.

9 Q. Did you have any idea at that point in time  
10 when you were laying there hog-tied on the bed what he  
11 might be doing?

12 A. I had an idea that he was going to go do  
13 something bad.

14 Q. Okay.

15 A. I didn't know what.

16 Q. Did you think that he was going to do something  
17 bad because he intended to punish you?

18 A. I felt like it, yes.

19 MR. STERN: Objection, speculation.

20 Q. (BY MR. WEBSTER) Now, you talked about the  
21 church earlier. Did he know your family went to that  
22 church?

23 A. Yes.

24 Q. Did he know that you had people -- loved ones  
25 in that church? When I say loved ones, not only family

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1 members but people that you care for, correct?

2 A. Yeah.

3 Q. And had he -- had Devin ever threatened to kill  
4 you?

5 A. Yes.

6 Q. How many times?

7 A. Numerous of times.

8 Q. So, over the time -- from the time we're saying  
9 from you're married forward up until this day, he had  
10 threatened to kill -- to kill you many times?

11 A. Yes.

12 Q. Did he -- did he -- would he get upset and  
13 threaten to kill other people?

14 A. He would say if I left him, he would kill me or  
15 my family.

16 Q. So, he threatened this type -- Devin threatened  
17 to kill people other than just yourself routinely?

18 A. Yes.

19 Q. Did you ever hear him complain or say that he  
20 wanted to threaten or kill anyone from one of his jobs?

21 A. No. Not to my face, no.

22 Q. Okay. Well, did you ever hear about it in  
23 general?

24 MR. STERN: Objection.

25 A. No.

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1 COUNTY OF HARRIS )

2 STATE OF TEXAS )

3  
4 I hereby certify that the witness was notified  
5 on \_\_\_\_\_ that the witness has 30 days or  
6 (\_\_\_\_ days per agreement of counsel) after being  
7 notified by the officer that the transcript is available  
8 for review by the witness and if there are any changes  
9 in the form or substance to be made, then the witness  
10 shall sign a statement reciting such changes and the  
11 reasons given by the witness for making them;

12 That the witness' signature was/was not  
13 returned as of \_\_\_\_\_.

14 Subscribed and sworn to on this, the 17th day  
15 of August, 2020.

16  
17  
18 *Edith A. Boggs*  
19

20 Edith A. Boggs, CSR No. 3022  
21 Firm Registration No. 03  
22 Expiration Date: 7-31-2022  
23 1235 North Loop West, Suite 510  
24 Houston, Texas 77008  
25 Ph. No.: (713) 524-4600